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13 Attorneys for Defendant
14 INTERNATIONAL BUSINESS
MACHINES CORPORATION

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**
18

19 ROBERT MAYBERRY,
20 Plaintiff,

21 vs.

22 INTERNATIONAL BUSINESS
23 MACHINES CORPORATION,
24 Defendants.

CASE NO. CV-09-1369-CW

**STIPULATION AND [PROPOSED]
ORDER GRANTING CONTINUANCE
FOR INITIAL CASE MANAGEMENT
CONFERENCE**

Complaint Filed: March 27, 2009
Room: Courtroom 2, 4th Floor
Judge: Honorable Claudia Wilken

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiff Robert Mayberry ("Mayberry") and Defendant International Business Machines ("IBM"), as follows:

1. WHEREAS, this Court scheduled the Initial Case Management Conference for July 7, 2009, in Courtroom 2, 4th Floor at 1301 Clay Street, Oakland, California 94612;

2. WHEREAS, Civil Local Rule 16-10(a) requires lead trial counsel to attend the initial case management conference;

3. WHEREAS, lead trial counsel for IBM will be on a pre-planned out-of-state vacation on that date;

4. WHEREAS, the parties agree to move the CMC date to accommodate IBM's lead trial counsel's plans and availability to be personally present;

5. WHEREAS, the parties also agree to not to continue the CMC to the second week of August 2009 as lead trial counsel for Plaintiff will be away on a pre-planned vacation;


6. WHEREAS, the parties stipulate that the Initial Case Management Conference be moved to July 21, July 28, or August 4, 2009, if any of those dates are convenient for the Court.

1 NOW, THEREFORE, the parties request the Court order as follows:

2 That the Initial Case Management Conference, currently set for July 7, 2009, be vacated
3 and be continued to July 21, July, 28, or August 4, if any of these dates are convenient for the
4 Court.

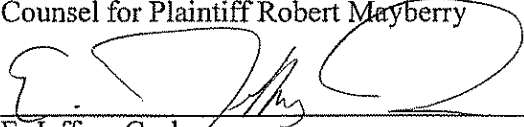
5 IT IS SO STIPULATED.

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8 DATED: May 26, 2009


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12 Counsel for Plaintiff Robert Mayberry

13 DATED: May 26, 2009


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ORDER

The Court, having reviewed the record and Stipulation herein, finds that good cause exists and hereby ORDERS AS FOLLOWS: The Case Management Conference now scheduled for July 7, 2009, is continued to August 4, 2009 at 2:00 p.m. in Courtroom 2.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 29, 2009

